

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ESTATE OF HARRY SMITH, III,

HARRY SMITH, JR.,

and

ROSLYN WOODARD SMITH,

Plaintiffs,

v.

CIVIL ACTION NO. 04-1254-GMS

WILMINGTON POLICE DEPARTMENT,

MICHAEL SZCZERBA, in his official  
capacity as police chief of the Wilmington  
Police Department,

ONE OR MORE JOHN DOES-1, in their official  
capacities as police supervisors with the  
Wilmington Police Department,

and

ONE OR MORE JOHN DOES-2, in their official  
capacities as police officers with the Wilmington  
Police Department and in their individual capacities,

Defendants.

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**MOTION TO FILE ATTACHED AMENDED COMPLAINT**

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COME NOW the plaintiffs, by their attorneys, and respectfully move this Honorable Court for permission to amend their Complaint. The proposed Amended Complaint is attached hereto.

Counsel for plaintiffs hereby certify they consulted with defense counsel, advising him they would amend the Complaint to specifically name the previously noted "John Doe" defendants. Defense counsel cooperated by providing the identities of the three police officers named in the attached Amended Complaint.

Dated this 9<sup>th</sup> day of September 2005.

/s/ Anne T. Sulton  
Anne T. Sulton  
Admitted: Pro Hac Vice

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2005, I electronically filed with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Attorney John Parkins E-mail [Parkins@rlf.com](mailto:Parkins@rlf.com)

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